

REQUIRES MONITORING
OR STAFF ACTION NO

COMMISSION DIRECTIVE

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>April 5, 2005</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2004-316-C</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		<u></u>

SUBJECT:

DOCKET NO. 2004-316-C – Petition of BellSouth Telecommunications, Inc. to establish Generic Docket to consider Amendments to Interconnection Agreements resulting from changes of law. Oral Arguments held: March 10, 2005. Discuss this matter with the Commission.

COMMISSION ACTION:

Regarding the CLEC's Petition for Emergency Relief in docket # 2004-316-C, the Commission and the parties recently received information that the United States District Court for the Northern District of Georgia ruled in favor of a preliminary injunction against enforcement of the Georgia PSC's Order addressing the "new adds" provisions of the FCC's TRRO. As of 1 p.m. today, no written order had been issued in that case.

Since the reasoning of the Georgia PSC's Order was a issue of some consequence in the oral arguments before this Commission on March 10, the South Carolina PSC is interested in studying the federal district court's rationale in its decision to enjoin enforcement of the Georgia PSC's order, and the potential impacts such a ruling may have.

This Commission is attempting to work within the current deadline set by BellSouth in its Carrier Notification of March 7, 2005, in which BellSouth set an implementation deadline of April 17, 2005. However, the Commission also recognizes the difficulty in asking the parties to brief the issue of the Georgia federal district court's ruling when no written ruling has yet been issued by that court. Absent a further extension of BellSouth's implementation deadline, the parties may again find themselves on a compressed briefing schedule.

Further, since the time of the oral arguments before this Commission, several states have issued orders regarding the TRRO's impact, and copies of at least some of those rulings have been filed with the Commission and provided to the parties by BellSouth.

Accordingly, I move that this Commission should invite further briefing and proposed orders from the parties regarding the impact of the ruling of the United States District Court for the Northern District of Georgia in favor of a preliminary injunction against enforcement of the Georgia PSC's Order addressing the "new adds" provisions of the FCC's TRRO. In addition, the parties are invited to provide briefing regarding how the Commission should interpret the trend of rulings on this issue from other states and the analyses used. Due to the current implementation deadline of April 17, the parties are directed to provide any briefs and proposed orders by close of Commission business Monday, April 11, 2005. Alternatively, if BellSouth chooses to extend its implementation date past April 17, I move that the Commission revisit the briefing schedule.

PRESIDING Mitchell

MOTION YES NO OTHER

CLYBURN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HOWARD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MOSELEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Absent

Session: Regular

Time of Session 2:30 PM

APPROVED ☐

APPROVED STC 30 ☐

DAYS

ACCEPTED FOR FILING ☐

DENIED ☐

AMENDED ☐

TRANSFERRED ☐

SUSPENDED ☐

CANCELED ☐

SET FOR HEARING ☐

ADVISED ☐

CARRIED OVER ☐

RECORDED BY TOD